

Office of the
CLARK COUNTY LAND USE HEARING EXAMINER

1300 Franklin Street
P.O. Box 9810
Vancouver WA 98668-9810
Phone (360) 397-2375

NOTICE TO PARTIES OF RECORD

Project Name: FELIDA VILLAGE

**Case Number: PSR2009-00012; PUD2009-00001; SEP2009-00023;
EVR2009-00010**

The attached decision of the Land Use Hearing Examiner will become final and conclusive unless a written appeal is filed with the Board of Clark County Commissioners, 6th floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington, no later than 5:00 p.m. on, **July 3, 2009** (14 calendar days after written notice of the decision is mailed).

The Hearing Examiner's procedural SEPA decision is final and not appealable to the Board of County Commissioners.

All other appeals must be written and contain the information required under CCC 40.510.030(H), and placed in the following preferred format:

1. Project Name
2. Case Number
3. Name and signature of each petitioner: The name and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal under Section 40.510.030(H)(1). If multiple parties file a single petition for review, the petition shall designate one (1) party as the contact representative for all contact with the responsible official.
4. Introduction:
Provide a brief history of the case. This should include a chronology of dates of related applications, cases numbers, and a description of the proposal as it relates to the decision being appealed
5. Standard of Review:
Describe what standard of review (i.e., board's discretion to reverse the examiner's decision) you believe applies to board's review of the alleged errors (e.g., substantial evidence for challenges to findings of fact; de novo review for code interpretation; or, clearly erroneous for issues involving application of code requirements to particular facts).
6. Alleged Errors/Response to Alleged Errors:
Identify the specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error (i.e., reference the relevant exhibits and passages, court cases, etc.).

The appeal fee is **\$303**

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Mailed on: **June 19, 2009**

**FELIDA VILLAGE MIXED USE
DEVELOPMENT**
PSR2009-00012; PUD2009-00001; SEP2009-00023;
EVR2009-00010
HEARING DATE: 6/12/09

**PLANNER: ALAN BOGUSLAWSKI
OA II: ROSIE HSIAO**

STAFF COMMENTING:
David Bottamini

Western Properties II LLC
Ron Edwards
4612 NE Minnehaha Street
Vancouver, WA 98661
ron@westernconstruction.com

MGH Associates, Inc.
Greta Lavadour
104 West 9th Street, Suite 207
Vancouver, WA 98660
greta.lavadour@mghassociates.com

Felida Neighborhood Association
Jamie Allen, President
PO Box 61552
Vancouver, WA 98666
gaudeamus@earthlink.net

Lyle & Norma Baxter
12004 NW 36th Avenue
Vancouver, WA 98685

Richard & Kristi Remmerde
3614 NW 119th Street
Vancouver, WA 98685

**DEPT OF ECOLOGY
SEPAUNIT@ECY.WA.GOV**

Michele McFatridge
McFatridge@comcast.net

Jennifer C Halleck
Vancouver Public School
Jennifer.Halleck@vansd.org

DeAne Blakley
3905 NE 119th St
Vancouver WA 98685
Blaklevdm@comcast.net

Josh Sommers
11616 NW 37th Ct
Vancouver WA 98685

FELIDA VILLAGE MIXED USE
DEVELOPMENT
SR2009-00012; PUD2009-00001; SEP2009-
00023; EVR2009-00010
HEARING DATE: 6/12/09

LOUISE RICHARDS(Original copy)
B O C C
** INTEROFFICE MAIL **

MR. J. RICHARD FORESTER
728 NW SKYLINE BLVD.
PORTLAND OR 97229-6815
(Email)

MR JOE TURNER
30439 SE JACKSON RD, SUITE 200
GRESHAM, OR 97080
(Email)

MR. DANIEL KEARNS
REEVE, KEARNS, PC
610 SW ALDER ST, SUITE 910
PORTLAND, OR 97205
(Email)

VANCOUVER SCHOOL DIST
ATTN: HEIDI ROSENBERG
PO BOX 8937
VANCOUVER WA 98668-8937

VANCOUVER/CLARK PARKS
INTEROFFICE MAIL

THE COLUMBIAN
MICHAEL ANDERSON
P.O. BOX 180
VANCOUVER WA 98666

WA DEPT. OF TRANSPORTATION
ATTN: JEFF BARSNESS
P.O. BOX 1709
VANCOUVER WA 98668-1709
(Email)

CARLA SOWDER
HEALTH DEPARTMENT
INTEROFFICE MAIL
(Email)

FT VANCOUVER REGIONAL LIBRARY
1007 EAST MILL PLAIN BLVD.
VANCOUVER WA 98663

STEVE SCHULTE
PUBLIC WORKS

PLANNER:
(Email)

ROSIE HSIAO
(Email)

JANET
ASSESSOR'S OFFICE
(Email)

CENTRAL FILES
(Email)

LINDA MOORHEAD
CODE ENFORCEMENT
(Email)

SUSAN RICE
(Email)

DEVELOPMENT ENG
(Email)

DESIREE DE MONYE
(Email)

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR CLARK COUNTY, WASHINGTON**

In the matter of a Type III Site Plan application a mixed-use development including multi-family residential, retail and a restaurant on approximately 1.2 acres zoned MX in unincorporated Clark County, Washington.

FINAL ORDER

**Felida Village
PSR2009-00012, SEP2009-00023,
EVR2009-00010 & PUD2009-00010**

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application for site plan approval for a mixed-use development, consisting of five multi-family residences, approximately 6,000 sf of retail space and a 4,292 sf restaurant, road modification and related approvals (PSR2009-00012, SEP2009-00023, EVR2009-00010 & PUD2009-00010) – on approximately 1.2 acres zoned MX.

II. Introduction to the Property and Application:

Owners..... Richard & Kristi Remmerde Lyle & Norma Baxter
3614 NW 119th Street 12004 NW 36th Avenue
Vancouver, WA 98685 Vancouver, WA 98685

Western Properties II, LLC
Ron Edwards
4612 NE Minnehaha Street
Vancouver, WA 98661

Applicant Western Properties II, LLC
Ron Edwards
4612 NE Minnehaha Street
Vancouver, WA 98661

Contact MGH Associates, Inc.
Attn: Greta Lavadour
104 West 9th Street, Suite 207
Vancouver, WA 98660

Property..... **Legal Description:** Parcel numbers 187768-015, 187806-000 and a portion of 187768-010, located in the southeast quarter of Section 29, Township 3 North, Range 1 East of the Willamette Meridian. Street Address: 11912 NW 36th Avenue.

Applicable Laws..... Clark County Code (CCC) Title 15 (15.12 (Fire Prevention), 40.230.020 (Mixed Use District), 40.320 (Landscaping), 40.340 (Parking), 40.350 (Transportation), 40.360. (Solid Waste), 40.370 (Sewer & Water), 40.380 (Stormwater & Erosion Control), 40.500

(Procedures), 40.510.030 (Type III Process), 40.520.040 (Site Plan Review), 40.550.010 (Road Modifications), 40.570 (SEPA), 40.610 and 40.620 (Impact Fees) and the Clark County Comprehensive Plan.

The 1.2-acre site was recently replanned and rezoned to a mixed-use designation (CPZ2008-00021). Pursuant to that zoning, the present application seeks site plan approval for a mixed-use development on the site, consisting of five multi-family residences, approximately 6,000 sf of retail space and an approximately 4,292 sf restaurant. The proposal also requires and requests a road modification to the minimum intersection spacing requirement to allow the site's proposed access onto NW 36th Avenue. The site is generally located in the northwest corner of the intersection of NW 36th Avenue and NW 119th Street in the Felida area. The development site consists of two parcels (187768-015 & 187806-000) and a portion of a third (187768-010). The site is within Vancouver's Urban Growth Area, the territory of the Felida Neighborhood Association, Park Improvement District 9, Fire District 6, the Hazel Dell Subarea Traffic District, and the Vancouver School District. Clark Regional Waste Water District provides water, and Clark Public Utilities provides sewer service to the area.

As currently configured, there is a home and accessory structures on each of the two parcels, all of which will be removed. All of the surrounding parcels have the zoning that these parcels used to have prior to the approval of CPZ2008-00021, *i.e.*, residential, with two different densities (R1-7.5 and R1-10). The revised proposal shows the access, parking and building configurations (Ex. 13). Access will be via a full access onto NW 119th Street and via a right-in/right-out access on NW 36th Avenue, which is the subject of the road modification (Ex. 13). Engineering staff recommended approval of the road modification (Ex. 12), with mitigating conditions. The primary access onto NW 119th Street will be via a driveway that is shared with the house on parcel number 187768-010. The applicant will dedicate additional right-of-way along NW 36th Avenue and construct frontage improvements along both street frontages. There do not appear to be any sensitive lands or critical habitat issues associated with this development.

The application includes a revised preliminary plat and related plans (Ex. 13), notes from the January 29, 2009 preapplication conference (Ex. 6, tab 4), a preliminary stormwater design report and plan (Ex. 6, tabs 12 & 13), a traffic study (Ex. 6, tab 15), sewer and water service provider letters (Ex. 6, tabs 17 & 18, respectively), a letter from the Vancouver School District addressing student routes to near-by schools (Ex. 18), a modified road modification request (Ex. 13), information from a February 18, 2008 neighborhood meeting (Ex. 6, tab 9), and a SEPA checklist (Ex. 6, tab 16).

III. Summary of the Local Proceeding and the Record:

A preapplication conference for this subdivision was requested on January 7, 2009 and held January 29, 2009 (Ex. 6, tab 4). An application was submitted on March 23, 2009 (Exs. 5 & 6) and was deemed fully complete on March 25, 2009 (Ex. 7). From this sequence, this development is deemed vested as of January 7, 2009. Notice of the Type III application and a June 11, 2009 public hearing on the application was mailed to property owners within 300 feet and the Felida Neighborhood Association on April 8, 2009 (Exs. 8 & 9). Notices of the application and hearing were also posted on and near the site on May 27, 2009 (Exs. 14 & 15). The County received no appeals and only one comment on the SEPA Determination by the submission deadline of April 22, 2009 – a

letter from Washington Department of Ecology (Ex. 11). Staff issued a comprehensive report on the project on May 27, 2009 (Ex. 16) recommending approval with conditions.

At the commencement of the June 11th hearing, the Hearings Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflict of interest. No one objected to the proceeding, notice or procedure. No one raised any procedural objections or challenged the Examiner's ability to decide the matter impartially, or otherwise challenged the Examiner's jurisdiction.

At the hearing, Alan Boguslawski, County planning staff on the project, David Bottamini, engineering staff, and Steve Schulte, Concurrency Manager, provided verbal summaries of the project, the staff report and the various agency and departmental comments already in the record. Greta Lavadour, with MGH Associates, Inc. and Ron Edwards, represented the applicant, described the project, explained details and responded to questions. There was one comment letter in the record from the Horizon West Neighborhood Association (Ex. 17), whose territory does not include this site, but is located south and west of the site, expressing pedestrian, bicycle and traffic safety concerns. This letter and testimony received at the hearing demonstrated that the bicycle and pedestrian facilities and connections in the immediate area were inadequate and not safe. Michele McFatridge and Deanne Blakley testified at the hearing about these matters on behalf of the Horizon West Neighborhood Association, asking that the Examiner impose conditions requiring this developer to construct additional street improvements to remedy these preexisting deficiencies. Additionally, Josh Somers testified in opposition to this proposal on a variety of subjects, none of which was germane to the approval criteria. No one requested a continuance or that the record be left open. The Examiner closed the record at the conclusion of the June 11th hearing and took the matter under consideration.

IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings.

A. Issues raised in hearing testimony: Several neighbors to the property testified in opposition to the proposal, and the applicant objected to several of staff's recommended conditions. The Examiner adopts the following findings in response to each:

Michele McFatridge and Deanne Blakley, who live in the area and represented the adjacent neighborhood association (Horizon West Neighborhood Association), testified about the pedestrian and bicycle system deficiencies on NW 119th Street and NW 36th Avenue (Ex. 17). The area's streets lack sidewalks and have extremely narrow shoulders, which make it dangerous for pedestrians and bicyclists, forcing them into the traffic lanes at various points. This development will attract and generate additional traffic, which will make these deficiencies worse. These witnesses urged the Examiner to require this developer to remedy these deficiencies by widening the right-of-way and constructing off-site sidewalk connections.

Steve Schulte, County concurrency Manager, confirmed that local deficiencies exist here and throughout the County in the form of narrow shoulders and gaps in the sidewalk network. However, he pointed out that the situation in the area of this development, while deficient, does not rise to the level of a significant traffic safety hazard, with or without the traffic contributed by this development. The applicant's traffic study (Ex. 6, tab 15) confirms that the surrounding transportation system functions at acceptable levels, that the accident history for none of the near-by intersections exceeds allowable limits, and that all of the proposed intersections will function safely and acceptably.

The Examiner is bound by the standards and authority accorded him by state law and the Board of Commissioners in the Development Code. In particular, RCW 82.02.020 prohibits the County from imposing any such exaction, fee or improvement requirement that is not necessitated as a "direct result" of the development. Similarly, CCC 40.350.030(6) provides the authority to deny development approval where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development." There is no evidence in this record, nor is there the assertion, that the surrounding street system fails to meet the minimum level of service. There is also no evidence that a significant traffic safety hazard exists or will be caused by this development. Absent such evidence, the Examiner lacks the authority to condition or deny this development based on the assertions of these witnesses, which are presumed to be true and an accurate description of the deficiencies of the existing transportation system.

Josh Somers, who lives in the Horizon West Neighborhood raised issues of "spot zoning, sewer capacity, approval by the State Historic Preservation Office (SHPO) and environmental impacts generally. To the extent they can be interpreted to relate to the approval criteria, the Examiner notes that the site's zone change and comprehensive plan amendment was approved by the Board of Commissioners. Therefore, the zoning is presumed to be lawful, as are the uses allowed in the MX zone, which this application proposes. Clark Regional Wastewater District has confirmed there is adequate sewer capacity (Ex. 6, tab 17) to serve the development, and the homes in this development will pay sewer impact fees. While SHPO is an Oregon agency, this site is located in area with a low probability of containing archaeological artifacts and environmental impacts were generally and comprehensively addressed in the duly published SEPA checklist (Ex. 9), of which there were no appeals. The traffic and transportation impact issues Mr. Somers raises are the same as addressed in the preceding paragraphs. As such, Mr. Somers raises no argument or issue upon which the Examiner can condition or deny this application.

B. Approval Criteria: The Examiner adopts the following findings related to issues and criteria that were addressed in the staff report:

LAND USE:

Finding 1 - Mix of Uses: CCC 40.230.020(E)(1) requires that mixed-use developments consist of a minimum 20% residential and 20% non-residential uses.

This development proposes the following uses and areas:

- Restaurant & wine storage - 5,792 sf
- Retail shops - 6,000 sf

- Residential Condominiums - 10,406 sf
- Total gross floor area - 22,198 sf

As proposed, Felida Village is a mix of 53% non-residential and 47% residential, based on total gross floor area of the development and therefore meets these area and use mix requirements.

Finding 2 - Residential Density: The minimum required density is 12 dwelling units per acre, based on the developable area devoted to residential use. "Developable area" is defined in CCC 40.230.020(C) as that portion of the site unencumbered by environmentally sensitive areas, buffers, designated parks & open space, public right-of-way, and road easements. Based on the dimensions provided on the preliminary site plan, the developable area is approximately 49,735 sf. The Development Code does not provide a specific methodology for determining how to apportion the developable area of the site when the uses are intermingled. That said, staff reports (Ex. 16) using the following methodology:

The area of the site containing the buildings, along with the pedestrian plazas and courtyards surrounding the buildings, are allocated based on the ratio of residential versus commercial floor area of the structures (i.e. 47% residential & 53% commercial). The rest of the site area, containing the parking/circulation areas and abutting landscaping are allocated based on the ratio of parking spaces required for the residences versus those devoted to the commercial uses. Two of the proposed residential units have garages, meeting their parking needs, so a minimum of 5 of the parking spaces need to be devoted to the other three units. Thus, 41 spaces are commercial and 5 spaces are residential (i.e. 88% commercial & 12% residential).

Staff calculated the portion of the developable site area devoted to residential uses as follows:

7,012 sf (47% of the 14,920 sf area containing the buildings & plazas)
 +4,178 sf (12% of the 34,815 sf area containing parking & landscaping)
 11,190 sf (portion of developable area devoted to residential)
 0.26 acres (11,190 sf/43,560 sf)
 x 12 units/acre
 3.12 units (4 units) = minimum density for this development.

According to staff's calculations, which no party has disputed, the proposal of five dwelling units meets and exceeds the minimum density requirement.

Finding 3 - Open Space: All new development in the Mixed Use zone shall be designed in accordance with the Mixed Use Design Standards, Appendix A of CCC Title 40, which provides the following stated intent:

- Create focal points and gathering spaces of interest for the surrounding neighborhood.
- Provide a variety of accessible and inviting pedestrian-oriented areas to attract shoppers to commercial areas and enrich the pedestrian environment.
- Ensure that districts have areas suitable for both passive and active recreation by residents, workers, and visitors and that these areas are of sufficient size for the intended activity and in convenient locations.
- Create usable, accessible, and inviting open spaces for residents.
- Create open spaces that enhance the residential setting.

Finding 3.1 (§A.1.1) All developments shall incorporate publicly accessible open space on-site. According to Table A-1, a minimum of 5% of the developable area must be devoted to public open space for the residential use and 5% for the non-residential uses, for a total of 10%. Based on the dimensions shown on the site plan, approximately 49,735 sf of the site is developable area, which means that a minimum of 4,973 sf of public open space is required. According to the narrative, the preliminary site plan provides public open space in two general locations: (1) A hardscaped pedestrian plaza area is located between buildings 1 & 2 and 2 & 3, and (2) between all three buildings and the right-of-way lines for NW 119th Street and NW 36th Avenue. Staff estimated this area to be approximately 3,280 sf. Pedestrian areas within the right-of-way cannot be counted because the definition of developable area excludes the public right-of-way. A landscaped area located south of the west parking lot is approximately 2,500 sf and is proposed to contain two picnic tables and five garden plots in an area of paving blocks. From this, approximately 5,780 sf of public open space is proposed, which meets the minimum requirement.

Finding 3.2 (§A.1.1.a) The public open spaces must be centralized and accessible. The pedestrian plaza open space around the buildings appears to be accessible from the abutting streets and from the buildings. Although the space is spread around the buildings rather than consolidated into a single large area, it is contiguous, and it is centralized in that the area around the buildings is the central focus of commercial activity. The open space area south of the west parking lot is not centralized and is somewhat remote from the buildings. However, the site is small and does not require great distances to traverse. Also, this open space area is readily accessible from the public sidewalk and from the west parking area. The area paved with pervious paving blocks will provide a route through which the commercial customers who park in the west lot can readily access the sidewalk on NW 119th Street leading to the restaurant, shops, and pedestrian plazas. From this the two proposed areas of public open space meet the criteria requiring them to be centralized and accessible.

Finding 3.3 (§A.1.1.b) The public open spaces must be inviting. Inviting open spaces feature amenities and activities that encourage pedestrians to use and explore the space. The revised plans (Ex. 13) show additional attractive amenities for the public open spaces, particularly the courtyards between the buildings, including game tables and public seating, a gas fire feature separating the public seating and the open air restaurant seating, bicycle racks and trash receptacles. The applicant asserts that many people will be drawn to the courtyards by activity in the restaurant and retail areas, but they will also be able to gather to enjoy the fire and use the game tables for independent social activities. Two styles of stormwater planters will also be provided for roof run-off – one that will include seat walls and one that will collect the water in reclaimed wine barrels. The open space in the west part of the property will include a resident garden space that will provide each condominium resident with access to an outdoor garden plot. Two picnic tables will provide a place for residents, guests and the general public to gather around the gardens. A fountain and mason bee posts will provide visual interest around the gardens as well. Pedestrians will be led to the gardens along a path created with pervious pavers that will be lit by low bollard lights. If this comes to pass, the Examiner agrees that the revised proposal will provide inviting open spaces and fulfill this criterion.

Finding 3.4 (§A.1.1.c) The public open spaces must be safe. Safe open spaces incorporate Crime Prevention Through Environmental Design (CPTED) principles. The applicant asserts that this criterion is met by the fact that the plazas are located around the two-story buildings. All buildings will have ground floor and second floor windows overlooking the plazas. Plazas will have pedestrian scale lighting, and will also be visible from the public streets and private access drive. The Examiner agrees. The revised landscape plan (Ex. 13) shows plantings in and around the west open space area that will provide visibility through the 3-foot to 8-foot height area consistent with CPTED principles. Adequate lighting and visibility will be provided for safety.

Finding 3.5 (§A.1.1.d) The public open spaces must provide uses and activities that serve the anticipated residents and users of the development. The revised plans (Ex. 13) show additional attractive amenities for the public open spaces. Public open spaces within the site have been designed to be inviting to residents and the general public as described above in Finding 3.3. The applicant states that the site's small size limits the amount active recreational uses that can be provided; however, the garden plots will provide some active recreation. The Examiner concurs that the revised proposal will provide appropriate uses and activities in fulfillment of this criterion.

Finding 3.6 (§A.1.4) At least 1% of the developable area plus 1% of the floor area must be provided as pedestrian-oriented open space for non-residential uses. The applicant calculates compliance with this requirement in the following way:

- 497 sf (1% of 49,735 sf developable area)
- 118 sf (1% of 11,792 sf non-residential floor area)
- 615 sf – Minimum required pedestrian-oriented space

The Examiner concludes that the 3,280 sf of pedestrian plaza area immediately around the buildings meets the minimum requirement.

Finding 3.7 (§A.1.6) Table A-1 also requires 200 to 300 sf of open space per residential unit. Based upon the submitted architectural plans, each residential unit will have balconies of approximately 130 sf, for private open space. The units will also share the public open spaces on the site – the pedestrian plaza around the buildings and the landscaped picnic and garden area south of the west parking lot. Therefore, the development provides an adequate amount of open space for the residential units.

Finding 4 - Building Use, Location & Orientation: The intent of these standards is to:

- Establish active, lively uses along sidewalks and pedestrian pathways;
- Orient buildings to facilitate pedestrian use;
- Enhance visual character;
- Encourage interaction among neighbors;
- Increase residential privacy; and
- Create a composition of buildings and open spaces.

Finding 4.1 (§A.2.1) The design must accommodate uses that contribute to an active pedestrian environment, and provide features that help to integrate the uses and provide a focal point. The applicant proposes a mix of retail, restaurant, and residential uses, which collectively contribute to an active pedestrian environment.

The revised plan (Ex. 13) provides additional attractive amenities. Commercial uses will be located on the ground floor of the two-story buildings, with residences located above, providing them privacy. The applicant proposes to create a pedestrian-oriented street along the site frontage of NW 36th Avenue (including the corner at NW 119th Street), providing an interesting and active streetscape. Several benches and trash receptacles will be provided along both NW 36th Avenue and NW 119th Street. Extra sidewalk widths have been provided along the site frontages, with sidewalks up to 20 feet in some areas. Street trees and stormwater planters with low-growing greases will provide a visual barrier between the sidewalk and the bicycle lane on NW 36th Avenue. Intermittent breaks in the visual barrier will allow bicyclists to enter the site directly from the bicycle lane, without having to use the pedestrian space to get from one side of the site to the other. The Examiner finds that this design will enhance pedestrian activity while providing safe separation of pedestrians from vehicle traffic.

Finding 4.2 (§A.2.2) The design must provide a “pedestrian-oriented façade” that includes the primary pedestrian entrances, a minimum of 75% transparent window area, and weather protection at least 4.5 feet deep, 8 feet above the ground, along a minimum of 75% of the façade. The applicant’s architectural building elevation plans show a pedestrian oriented façade for all three buildings on the east elevation of the buildings facing NW 36th Avenue, as well as the corner of NW 119th Street. The elevation plans demonstrate compliance with these criteria.

Finding 4.3 (§A.2.3) Buildings located on pedestrian-oriented streets shall have the pedestrian-oriented façade located adjacent to the sidewalk. Setbacks shall only be allowed where pedestrian-oriented space is located between the building and the sidewalk. The restaurant building directly abuts the NW 36th Avenue right-of-way and sidewalk, while the ground floors of the other two buildings are set back approximately 6 feet from the right-of-way line; however, this 6-foot space is all part of the pedestrian plaza. Therefore, this criterion is met.

Finding 4.4 (§A.2.4) Buildings within 5 feet of a public street shall feature a pedestrian-oriented façade, except, for buildings fronting on two streets, the minimum percentages of weather protection and window transparency shall be reduced from 75% to 50% on the building’s secondary façade. The restaurant building fronts on two streets, with the primary facade on NW 36th Avenue and the secondary facade on NW 119th Street. The NW 119th Street façade meets the criteria in the above exception.

Finding 4.5 (§A.2.5) Non-residential and mixed-use buildings shall be oriented toward the street. Parking lots may not be located between the street and the building. The preliminary site plan meets these criteria.

Finding 4.6 (§A.2.6) Ground floor elevation of residential uses within 10 feet of a pathway shall be raised at least 18 inches above street level for residents’ privacy. Residences are located on the second floor of the buildings, except for garages, which are not located within 10 feet of a pathway.

Finding 4.7 (§A.2.7) Blank walls visible from public streets, sidewalks, trails or interior pathways are prohibited. The building elevation plans do not include any blank walls.

4.8 (§A.2.8) All structures within 50 feet of non-street exterior property lines shall not exceed the building height, or be setback less than the minimum setback, established for the abutting zone. Building 3 is within 50 feet from the north property boundary. The abutting property is zoned R1-7.5, which has a maximum building height of 35 feet, and a minimum side setback of 5 feet. Building 3 is approximately 30 feet in height and is set back from the north boundary approximately 36 feet. Therefore, it complies with these requirements.

Finding 4.9 (§A.2.9) Maximum lot coverage by mixed-use buildings is 85%. Lot coverage, as proposed, is approximately 15%.

Finding 4.10 (§A.2.10) Multi-family residential buildings shall be oriented toward streets and not parking lots or adjacent properties. The primary residential entry shall face onto the street or onto a courtyard that is oriented toward the street. Buildings shall provide windows toward the street. The proposed primary residential entrances are oriented toward the pedestrian plazas located adjacent to the street, and residential windows overlooking the street are provided. Therefore, these criteria are met.

Finding 4.11 (§A.3.1) Buildings located at street corners shall include at least one of the following design treatments (in order of preference):

- a. Locate a building within 15 feet of the corner property lines.
 - b. Provide pedestrian-oriented space at the corner leading directly to a building entry.
 - c. Install landscaping, decorative screening wall, or other acceptable treatment.
- The proposed restaurant meets both criteria a & b.

Finding 5 - Street Pattern and Layout: The intent is to create and maintain a safe, convenient network of streets that enhances the mixed-use district's ability to function as a pedestrian-oriented neighborhood center.

Finding 5.1 (§B.1.1) The development shall meet the County Transportation Standards (CCC chapter 40.350). As explained in more detail in the Transportation Findings, the proposal will meet the transportation standards, except for restricted access to arterials and driveway spacing standards. See Findings 18 & 20. The applicant requested a Road Modification to access NW 36th Avenue and for driveway spacing (Ex. 13), which is approved and explained in greater detail below. See Finding 19.

Finding 5.2 (§B.1.2) Applicants shall demonstrate how the proposed development maintains a hierarchy of streets to provide organized circulation that promotes use by multiple transportation modes and to avoid over-burdening the roadway system. This small development does not propose any new streets; however, the design will create a pedestrian-oriented street frontage on NW 36th Avenue. The Examiner finds that additional circulation streets as part of the development site are not warranted.

Finding 5.3 (§B.1.3) Developments shall provide and/or be integrated with a dense network of streets in a "modified grid" to help provide a sense of place and orientation, and to appropriately distribute the flow of traffic. This site is not large enough to provide on-site streets contributing to a street grid.

Finding 5.4 (§B.2) The mixed-use street design standards are intended to:

- Create safe, attractive, and functional streets that enhance the district's ability to function as a pedestrian-oriented neighborhood center.
- Enhance the character and identity of the area.
- Balance street design to de-emphasize vehicular travel.
- Beautify mixed-use districts by incorporating landscaping elements into the streetscape.
- Encourage pedestrian activity.

The Examiner finds that the proposed improvements abutting NW 36th Avenue and NW 119th Street will improve pedestrian functionality and will create a pedestrian-oriented neighborhood center that will enhance the neighborhood's residential character. The applicant proposes street trees in grates approximately every 30 feet, five rain garden planters, two benches, two trash receptacles, and two bike racks. Because NW 36th Avenue is an arterial, vehicle speeds may tend to detract somewhat from the pedestrian environment. A bike lane will separate the vehicle lane from the sidewalk; however, there will be no parking lane along the frontage to insulate the pedestrian area from the traffic. Planters are located along the street edge that separate pedestrian activity from traffic, with intermittent gaps to allow convenient access to the site for bicycles.

Finding 5.5 (§B.3) The on-site vehicular access and connections criteria are intended to:

- Create a safe, convenient and efficient network for vehicular circulation and parking.
- Enhance access to the area from the surrounding neighborhood.
- Upgrade the appearance of interior access roads,
- Minimize negative impacts of driveways on the streetscape and pedestrian environment.

Finding 5.6 (§B.3.3) Driveways are prohibited on pedestrian-oriented streets, unless there are no alternatives. The applicant proposes to create a pedestrian-oriented street along the site frontage of NW 36th Avenue. The site plan also proposes a driveway on this frontage. The applicant submitted a road modification application to allow the driveway, which is approved and explained in more detail below. See Finding 19. The Examiner finds that the proposed driveway location is at the end of the pedestrian-oriented portion of the street, and this will minimize any detrimental effects.

Finding 5.7 (§B.3.4) Parking lot entrances shall be restricted to no more than one entrance and exit lane per 300 feet of frontage. Properties with less than 300 feet of frontage shall be restricted to one entrance and exit lane for vehicular access. For corner properties, the separate street frontages shall be measured separately unless both streets are classified as arterials or collectors. NW 36th Avenue is an arterial, but NW 119th Street is neither an arterial nor collector. Each frontage has less than 300 linear feet. Therefore, each frontage is restricted to one entrance and exit lane, as proposed.

Finding 5.8 (§B.3.5) Driveway widths shall be minimized to reduce pedestrian conflicts. Driveway lanes shall be no wider than 13 feet per entry or exit lane unless

the responsible official determines wider lanes are appropriate for the use and that the design does not significantly impact vehicular circulation, public safety, pedestrian movement, or visual qualities. The NW 36th Avenue driveway is proposed to be 24 feet wide, and the NW 119th Street driveway is proposed at 30 feet. The width on the NW 119th Street driveway was reduced from 40 feet in the original plan (Ex. 5) to 30 feet wide on the revised plan (Ex. 13). The applicant explains that the access to NW 119th Street is shared between the site and an existing residence on parcel 187768-010. This access will be located within an easement granted to the Felida Village development. To accommodate the wishes of the owner of parcel 187768-010, a 30-foot access is provided to NW 119th Street, with an additional 10 feet of grass-crete to the west of the access to accommodate any large vehicles that may need to make any turning movements in or out of the site. The Examiner finds that the reduction in throat width to 30 feet will adequately improve the safety of pedestrians crossing the driveway on the sidewalk, as well as improve the safety of vehicles entering and exiting the site.

Finding 6 – Parking: The intent of the mixed-use parking standards is to:

- Provide flexibility in how developments accommodate parking.
- Maintain active pedestrian environments along streets by placing parking lots primarily in back of buildings.
- Ensure safety of users of parking areas, increase convenience to business, and reduce the impact of parking lots wherever possible.
- Physically and visually integrate parking garages with other uses.
- Reduce the overall impact of parking garages when they are located in proximity to the designated pedestrian environment.

Finding 6.1 (§B.4.4) For non-residential uses, the maximum number of parking spaces to be provided is limited to 125% of that required in CCC 40.340.010(A)(5). Pursuant to Table 40.340.010-4, the restaurant requires a minimum of one parking space per 200 feet gross floor area, and the retail stores require one space per 350 sf, which are calculated as follows for this proposal:

- 25 spaces for the 5,792 sf restaurant (of which 1,500 sf is a wine cellar)
- 18 spaces for the 6,000 sf retail area
- 43 total spaces (minimum required)
- 59 spaces (125% maximum)

The 1,500 sf basement in the proposed restaurant building will not be for restaurant use, but will be for a separate business providing a commercial service for storing the private wines of its customers. Therefore, the Examiner finds that the parking needs for this floor area are not as intensive as that of the restaurant; and that a rate of one parking space per 400 sf is more reasonable. In addition to the minimum 43 parking spaces required for the non-residential uses, a minimum of 5 additional spaces are required for the residences on the site, for a total minimum of 48 parking spaces required on the site. The parking table on the site plan indicates that only 43 spaces are required; however this is in error. The table also indicates that 50 spaces are provided; however, a count of the spaces on the site plan reveals that only 46 spaces are provided. Therefore, 2 additional parking spaces are needed. See Condition A-1a. The site plan will not likely exceed the 125% maximum required in §B.4.4. The revised site plan also now provides a route for customers parking in the west parking lot to get to the buildings without having to walk through the vehicle

circulation drives. They can walk through garden/picnic area to the sidewalk on NW 119th Street.

Finding 7 - Sidewalk and Pathway Standards: The intent of the sidewalk and pathway standards is to:

- Provide safe, convenient, and comfortable pedestrian circulation.
- Enhance the character and identity of the area.
- Promote walking, bicycling, and transit use.

Finding 7.1 (§C.1.1) Developments shall use appropriate sidewalk widths, materials, designs, and construction standards to enhance pedestrian access and complement city life. Minimum sidewalk widths for pedestrian-oriented streets is 12 feet total, with a minimum 8-foot unobstructed width. The proposed sidewalk on NW 36th Avenue will be greater than 20 feet in some locations, and meets these criteria. The minimum sidewalk width for other streets is 8 feet. The applicant proposes only a 6-foot sidewalk along the western portion of the NW 119th Street frontage. This shall be increased to 8 feet. See Condition A-1b.

Finding 7.2 (§C.1.3) Pedestrian walks shall be separated from structures at least 3 feet for landscaping, except where the adjacent building features a pedestrian-oriented façade. This criterion applies to the proposed walkways along the west side of the restaurant and Building 3. A 3-foot landscape strip needs to be added in these locations. Alternatively, the applicant may propose alternative treatments to provide attractive pathways, including the use of planter boxes and/or vine plants on walls, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments that meet the intent of the standards. The applicant's revised narrative states, "Given the narrow nature of the site, additional room for a 3-foot landscaping strip along the proposed buildings is not available. The applicant proposes a painted mural along the western walls of buildings 1 and 3. The artwork will depict historical Felida themes. Details of the artwork will be provided during Final Site Plan review." The Examiner finds that a condition of approval is warranted to ensure that the criteria are met. See Condition A-1c.

Finding 7.3 (§C.2.1) Applicants shall demonstrate how the proposal includes an integrated pedestrian circulation system that connects buildings, open space, and parking areas with the adjacent street sidewalk system and adjacent properties. The applicant's revised site plan now provides an adequate pedestrian route between the west parking lot and the sidewalk on NW 119th Street. The east parking lot has direct access to the pedestrian plazas. Therefore, the Examiner finds that these criteria will be met.

Finding 7.4 (§C.3.2) Pedestrian amenities shall be included along all streets containing adjacent non-residential uses. For multi-story buildings, two different types of amenity features are required for each 100 feet of street frontage. At least 8 feet of seating area and one trash receptacle per 100 feet of sidewalk are required for the building frontages of NW 36th Avenue and NW 119th Street. Thus, two of each item are required on NW 36th Avenue and one of each on NW 119th Street. The site plan identifies only one of each on NW 36th Avenue. Therefore, the plan needs to include one additional bench and trash receptacle on NW 36th Avenue. See Condition A-1d. The plan also provides planters, bike racks, and tree grates as pedestrian amenities.

Finding 8 - Building Entries: The intent of these standards is to make building entrances convenient to locate and easy to access, and to ensure that building entries further the pedestrian nature of the fronting sidewalk.

Finding 8.1 (§D.1.1) Primary building and business entrances shall be prominent, visible from surrounding streets or publicly accessible open space, and connected by a walkway to the public sidewalk. The proposed site plan and building elevation plans demonstrate compliance with these criteria.

Finding 8.2 (§D.1.2) Weather protection at least 4½ feet deep and proportional to the distance above ground level shall be provided over the primary entry of all buildings, businesses, and residential units. The preliminary plans and elevations show a canopy meeting the standards over the restaurant entrance. The ground floor retail entrances are protected by the second floor, which extends out over the entrances approximately 7 feet. The primary entrances for the residences are located off the courtyards on the sides of Buildings 2 & 3. The revised plans now depict weather protection features for these entrances; therefore the criteria are now met.

Finding 9 - Architectural Scale: The intent of these standards is to reduce the perceived scale of large buildings and add visual interest.

Finding 9.1 (§D.2.1) The maximum building height shall be 72 feet. The tallest of the proposed buildings, the restaurant, is 34 feet high.

Finding 9.2 (§D.2.2) Mixed-use buildings shall include at least three modulation and/or articulation features along the public entry facades at intervals of no more than 40 feet on pedestrian oriented streets. The proposed buildings include repeating distinctive window patterns, a separate weather protection feature for each articulation interval, and a change of roofline. Buildings 2 & 3 also incorporate a horizontal building modulation by extending the second floor out over the first supported on pillars. The buildings also incorporate brick wainscoting and lap siding.

Finding 9.3 (§D.2.3) Nonresidential and mixed-use building rooflines visible from a public street, open space, or public parking area shall be varied by emphasizing dormers, chimneys, stepped roofs, gables, prominent cornice of fascia, or a broken or articulated roofline. The proposed buildings incorporate broken and articulated rooflines.

Finding 10 - Building Details: These standards are intended to encourage the incorporation of design details and small-scale elements into building facades that are attractive at a pedestrian scale, and to create visual interest and increased activity at public street corners.

Finding 10.1 (§D.3.1) All storefronts or other nonresidential uses shall be enhanced with appropriate details, including at least four specified elements on their primary facades. The applicant's revised narrative states, "The second floors of Buildings 2 & 3 will be cantilevered over the ground floor retail entrances. This provides weather protection for the entrances, as well as visual interest. Brick wainscoting and wood columns are also featured along the ground floor of all buildings. As shown on the

architectural elevations, extensive window treatments are provided for the ground floor uses, not only along the NW 36th Avenue frontage, but also wrapping around the building into the courtyards. Decorative stormwater features planted with native species will be located near the building entries, both in planters with seat-walls and also in planters made of reclaimed wine barrels.” The Examiner concludes that the plan provides an adequate number and array of elements.

Finding 10.2 (§D.3.2) All new buildings located within 15 feet of a property line, at the intersection of streets are required to employ two or more specified design elements or treatments to the building corner facing the intersection. The proposed restaurant provides a notched building corner with a canopy and over 100 sf of pedestrian oriented space between the corner primary building entry and the corner of NW 36th Avenue and NW 119th Street. These features meet the criteria.

Finding 11 - Building Materials and Color: The intent of these standards is to:

- Encourage high-quality building materials that enhance the character of the area.
- Discourage poor materials with high life-cycle costs.
- Encourage the use of materials that reduce visual bulk of large buildings.
- Encourage the use of materials that add visual interest to the neighborhood.

Finding 11.1 (§D.4.6) Use of material variations such as colors, brick or metal banding or patterns, or textural changes is encouraged. The proposed building facades will incorporate brick wainscoting, composite lap siding, painted trim, prefinished metal coping, and a variety of building colors. No prohibited materials are proposed. Therefore, the proposal complies with these criteria.

Finding 12 - Landscaping: The intent of the mixed-use landscaping standards is to:

- Encourage the use of attractive and drought tolerant plant materials native to the coastal regions of the Pacific Northwest.
- Encourage attractive landscaping that reinforces the architectural and site planning concepts in response to site conditions and contexts.
- Promote tree retention and the protection of existing native vegetation.

Finding 12.1 (§E.1.1) Projects shall meet the requirements of CCC 40.320.010 (Landscaping and Screening). Landscape buffers are required around the perimeter of the site, in accordance with CCC Table 40.320.010-1, as follows:

- North & west (abutting R1-7.5):
10-foot buffer with L4 landscaping/screening, or
15-foot buffer with L5 landscaping/screening
- South & east (abutting streets):
10-foot buffer with L2 landscaping

No buffer is required along the street frontages where the buildings are located at the property line. The preliminary landscape plan meets the required buffer standards, with the following exceptions:

- The L4 standard requires a 6-foot fully sight-obscuring fence on the property line plus one tree and four high shrubs per 30 feet of buffer and ground cover plantings over the remainder. The landscape plan needs to be amended to provide the required high shrubs along the north and west sides of the west parking lot. See Condition A-2a.

- The minimum planting size for the shrubs proposed in the L2 buffer (large leaf lupine & oceanspray) shall be 3 gallon containers. See Condition A-2b.
- Landscape islands are required in the parking areas at a ratio of one landscape island for every seven parking spaces, in accordance with CCC 40.320.010(E). Based on 27 parking spaces in the east parking lot, a minimum of 4 landscape islands are required there, and are provided. Based on 19 parking spaces in the west parking lot, a minimum of 3 landscape islands are required. Only one parking island is provided in the west lot, therefore two additional islands are needed. See Condition A-2c.

Additionally, an irrigation plan is required in accordance with CCC 40.320.010(G)(7). See Condition A-2d.

Finding 12.2 (§E.1.2) The required landscape plan per CCC 40.320.030 shall be prepared by a licensed landscape architect or Washington-certified professional horticulturalist. The preliminary landscape plan is not stamped. See Condition A-2e.

Finding 12.3 (§§E.1.3 & E.1.4) Parking lots located adjacent to public streets shall be partially screened as specified. The preliminary landscape plan meets these criteria for the area between the west parking lot and NW 119th Street.

Finding 13 - Fences and Screening Elements: The intent of these standards is to:

- Minimize the negative visual impacts of fences on the street and pedestrian environment.
- Screen the potential negative impacts of service and storage elements.
- Encourage thoughtful siting of service and storage elements that balance the functional needs with the desire to screen its negative impacts.

Finding 13.1 (§E.2.5) Service elements shall be located and designed to minimize the impacts on the pedestrian environment and adjacent uses, and be located where they are accessible to service vehicles and convenient for tenant use. The site plan provides a waste enclosure in the northwest corner of the east portion of the site. This enclosure meets the locational criteria; however, the plan needs to provide a gated entrance to the enclosure, and the enclosure needs to be 6 feet high and fully sight-obscuring. Additional detail of the enclosure is needed. See Condition A-1e.

Finding 14 – Signage: The intent of these standards is to:

- Encourage signage that is both clear and of appropriate scale for the project.
- Enhance the visual qualities of signage through the use of complementary sizes, shapes, colors, and methods of illumination.
- Encourage quality signage that contributes to the character of the area.

The building elevation plans show some conceptual signs; however, the applicant states that, as tenants are selected, the applicant will develop a cohesive signage plan for the development. Prior to installation of any commercial signage, the applicant is required to obtain approval of a sign permit, in accordance with CCC 40.520.050. The sign permit shall conform to Section F the Mixed-use Design Standards. See Condition H-1.

Finding 15 – Easements: The development proposal relies on an access easement to be located over the south portion of the flag stem of parcel number 187768-010.

This easement needs to be legally created prior to final site plan approval. See Condition A-1f.

Finding 16 - Existing Structures: Two existing dwellings and an existing accessory structure are proposed to be removed. A demolition permit is required for removal of these structures, and asbestos control inspection requirements and regulations may apply. The applicant should contact the Southwest Clean Air Agency regarding asbestos inspection and abatement requirements. See Condition B-1.

Finding 17 - Neighborhood Meeting: According to CCC 40.230.020(H)(2), the applicant is required to host a neighborhood meeting prior to submitting a mixed-use development application. The applicant held a neighborhood meeting on February 18, 2008. Documentation of the meeting notice, development plan, mailing list, meeting summary and sign-in sheet were submitted (Ex.6, Tab 9) as required.

TRANSPORTATION:

Finding 18 – Roads: NW 36th Avenue is classified as an “Urban Principal Arterial” (Pr-2cb), for which the minimum half-width frontage improvements include 40 feet of right-of-way, 23 feet of paved width, curb, gutter, and detached 6-foot sidewalk. Staff indicated its belief that the proposed walkway along NW 36th Avenue would function consistently with a detached sidewalk. See Condition A-4a.

NW 119th Street is a local access road and the applicant is required to provide associated frontage improvements. If the estimated ADT (average daily trips) through the subject section of NW 119th Street at full build out of the area exceeds 1,500 ADT then the road shall be classified as a Neighborhood Circulator. Otherwise, a Local Residential Access road will be adequate. A maximum of 300 houses are allowed to be served by a Neighborhood Circulator is 300 and 150 houses by a Local Residential Access road. See Table 40.350.030-4 of CCC 40.350.030(B)(3). Ten ADT apply to each house. On this basis, it appears that NW 119th Street is an Urban Local Residential Access road, for which the required half-width improvements are 23 feet of right-of-way, 14 feet of paved width, curb, gutter, and 5-foot sidewalk. Per CCC 40.350.030(B)(4)(d), a local residential access road shall be at least 36 feet wide at the intersection with an arterial and shall be tapered as shown on the plans. The existing pavement on NW 119th Street may be found structurally inadequate to support the loads of commercial truck traffic generated by this new commercial development. Therefore testing is required in accordance with CCC 40.350.030(B)(5)(a)(6) to determine the type and extent of street improvements to make the pavement comply with the Code’s load requirements. The 18-foot road width shall be inside a 27-foot half-width right-of-way. See Condition A-4b. The curb return radius shall be a minimum 35 feet at the intersection of NW 36th Avenue and NW 119th Street. The proposed driveway approaches shall be consistent with standard drawing number F17. See Condition A-4c.

The applicant shall verify that the proposed driveway approach provides sufficient turning movements by submitting diagrams of the turning movement associated with a single unit truck. The applicant shall also provide diagrams of on-site turning movements. A detailed analysis of how the area to the north of the approach to NW 119th Street will function is required. See Condition A-4d. If the proposal is constructed in phases, each individual proposed phase shall be designed with sufficient transportation improvements and comply with CCC chapter 40.350. The

required transportation improvements for each proposed phase will be reviewed during final engineering review. See Condition A-4e.

The applicant proposes to install a temporary 3-foot wide sidewalk along the south side of NW 119th Street across from the development site, even though such an off-site improvement is not required or justified under RCW 82.02.020. If the applicant constructs this improvement, it shall comply with the Americans with Disabilities Act (ADA) design requirements, unless it obtains an exemption or other variance from these requirements. See Condition A-5d.

Finding 19 - Road Modifications: The applicant requested a road modification (Ex. 6, tab 19 & Ex. 13) to allow a right-in/right-out entrance to NW 36th Avenue and to allow reduced driveway spacing on an Urban Principle Arterial, which is 125 feet in this case. A road modification may be approved pursuant to CCC 40.550.010(A)(1), under the following circumstances:

- a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.
- b. minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship.
- c. An alternative design is proposed which will provide a plan equal to or superior to these standards.
- d. Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created.

The applicant asserts the first (unusual physical feature and a suitable alternative design) and second (unusual hardship) circumstances justify a modification to the 50-foot driveway spacing requirement in this case. The applicant asserts that no safety issues will result if a right-in/right-out access to NW 36th Avenue is allowed.

Staff reviewed the proposal (Ex. 12) and recommended approval of the road modification based on the first and second circumstances and with the understanding that the applicant shall construct a raised median in the center of NW 36th Avenue, which will result in a right-in/right-out access to NW 36th Avenue from the proposed development. See Finding 22 below. With this condition, the Examiner approves the road modifications requested. See Conditions A-5a & F-2.

Finding 20 - Sight Distance: The applicant submitted a sight distance assessment as part of the traffic study dated March 5, 2009 (Ex. 6, Tab 15). The applicant identifies certain trees west of the proposed approach to NW 119th Street that will need to be removed to achieve sight distance standards. CCC 40.350.030(B)(8) establishes minimum sight distances at intersections and driveways applicable to this development. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for a corner lot. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. See Condition A-4f.

TRANSPORTATION CONCURRENCY:

Finding 21 - Trip Generation: County concurrency staff has reviewed the proposed Felida Village Mixed Use Development. The applicant's traffic study estimates the a.m. and p.m. peak-hour trip generation to be 4 and 24 new trips, respectively (Ex. 6, tab 15). The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*. The proposed development site is located at 11912 NW 36th Avenue in Vancouver. The applicant has submitted a traffic study under CCC 40.350.020(D)(1).

Finding 22 - Site Access: Traffic conditions are expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic. LOS standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site. The applicant's traffic study shows a proposed full access location onto NW 119th Street approximately 130 feet west of the signalized NW 36th Avenue/NW 119th Street intersection. The study also proposes a right-in/right-out access onto NW 36th Avenue, which is approximately 250 feet north of the NW 36th Avenue/NW 119th Street intersection. The applicant's study indicates that these proposed access locations will operate at a LOS B or better in the 2014 build out horizon. Staff concurred with the applicant's findings and so too does the Examiner.

If the right-in/right-out access onto NW 36th Avenue is allowed, as proposed in the applicant's submitted road modification request (see Finding 19 above), the applicant should construct a continuous raised median on NW 36th Avenue from the NW 119th Street intersection north to a point north of the proposed northernmost access location to discourage left turns into the site from northbound traffic. See Conditions A-5a & F-2. The traffic signal system at the intersection of NW 36th Avenue/NW 119th Street may need to be upgraded and modified to allow for the construction of frontage improvements. These signal upgrades and modifications may include the removal and replacement of existing system components. This traffic signal system may include, but is not limited to, masts and arms constructed at ultimate grade and location, a traffic signal controller and vehicle detection. Therefore, the applicant shall submit construction drawings showing, among other things, signal design and all related features including striping and civil improvements such as curbs, gutter, sidewalks and ADA ramps. After approval of the plans, the applicant shall construct this signal replacement and related features, including all civil improvements, in accordance with the approved plans. See Conditions A-5b & F-3.

Finding 23 - Concurrency Compliance: The proposed development is required to meet the standards in CCC 40.350.020(G) for corridors and intersections of regional significance within one mile of the proposed development. Typically, the county's transportation model is used to determine what urban area developments are currently being reviewed, approved, or is under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "in-process traffic" and will ultimately contribute to the same roadway facilities as the proposed development. This "in-process traffic" is used to evaluate and anticipate area growth

and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts. The "in-process traffic" information that can be obtained from the county's transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments, in an urban area, that have fewer than 10 vehicle trips in the PM peak hour travel time do not explicitly get shown in the county's model, but, are accounted for in a "background growth rate" (1% per year). This "background growth rate" is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

23.1 - Signalized Intersections: The applicant's study shows a one-mile radius study area. The county's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year. County staff determined that this development will comply with adopted concurrency standards for signalized intersections.

23.2 - Unsignalized Intersections: The applicant's study shows the one-mile radius study area. County staff evaluated the operating levels and standard delays represented in the county's model. The county's model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections. Therefore, county staff has determined that this development will comply with adopted concurrency standards for unsignalized intersections.

23.3 - Concurrency Corridors: The applicant's study shows the one-mile radius study area. Evaluation of the concurrency corridor operating levels and travel speeds represented in the county's model yielded operating levels and travel speeds with an acceptable level of service. The county determined that this development will comply with adopted concurrency standards for corridors, signalized and unsignalized intersections under county jurisdiction.

Finding 24 - Historical Accident Situation: The applicant's traffic study analyzed the accident history within the vicinity of the site. The intersection accident rates do not exceed thresholds that would warrant additional analysis. Therefore, further analysis and mitigation are not required.

Based on the foregoing findings, staff's favorable review and recommendation, the development site characteristics, the applicant's traffic study (Ex. 6, tab 15), the requirements of the county's transportation concurrency ordinance, and the above-mentioned conditions, the Examiner concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation concurrency ordinance, CCC 40.350.020.

STORMWATER:

Finding 25 – Applicability: The Stormwater and Erosion Control Ordinance (CCC chapter 40.380) applies to development activities that result in 2,000 sf or more of new impervious area within the urban area and all land disturbing activities, except those exempt in CCC 40.380.030(A). This project will create more than 2,000 sf of new impervious surface and it is a land disturbing activity not exempt by CCC

40.380.030(A). Therefore, this development is subject to and shall comply with the Stormwater and Erosion Control Ordinance, CCC chapter 40.380. The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 26 - Stormwater Proposal: The applicant has submitted a preliminary stormwater report dated March 10, 2009. The applicant proposes to utilize pervious pavement and rain gardens for the purpose of management of stormwater. The average tested infiltration rate was 10 inches per hour and the design rate is 5 inches per hour. The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4 inches. The 10-year/24-hour storm event precipitation depth is 3 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2 inches. Per CCC 40.380.040(C)(1)(g), the project is prohibited from materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer, per CCC 40.380.040(C)(3)(c). See Condition A-6a. The proposed rain gardens and pervious pavement shall be designed according to the design criteria identified in the Low Impact Development Technical Guidance Manual for Puget Sound. According to the criteria, a professional engineer that is proficient in geotechnical engineering shall be consulted to determine if additional infiltration correction factors shall be applied. The geotechnical engineering analysis shall be stamped by the professional engineer. See Condition A-6b. The applicant shall provide evidence of performed monitoring and associated published paper and report in lieu of monitoring required by CCC 40.380.040(B)(9). See Condition A-6c. During construction, the infiltration rate shall be verified in the field and corresponding laboratory testing shall also be performed. See Condition C-1. If the proposal is constructed in phases, each individual proposed phase shall be designed with sufficient stormwater facilities and comply with CCC 40.380. The required stormwater improvements for each proposed phase will be reviewed during final engineering review. See condition A-6d. The applicant shall resolve all issues associated with the ownership and maintenance of the proposed stormwater facilities. See Condition A-6e.

FIRE PROTECTION:

Finding 27 - Fire Marshal Review: This application was reviewed by the Fire Marshal's Office, which provided comments and suggested conditions of approval. The applicant shall comply with these conditions. Where there are difficulties in meeting these conditions or if additional information is required, contact the Fire Marshal's office immediately.

Finding 28 - Building Construction: Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

Finding 29 - Fire Flow: Fire flow in the amount of 2,000 gallons per minute supplied for 2 hours duration is required for this application. Fire flow is based upon a 6,000 sf type V-B constructed building. Information from the water purveyor (Ex. 6, tab 18) indicates that the required fire flow is available at the site, estimated at 2,100 gpm.

Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. See Condition B-5.

Finding 30 - Fire Hydrants: Fire hydrants are required and shall be provided so that the maximum spacing between hydrants does not exceed 300 feet and no portion of a building exterior is farther than 300 feet from a fire hydrant as measured along approved fire apparatus access roads. Either the indicated number or the spacing of the fire hydrants is inadequate. One additional hydrant is required to support the required fire flow. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. See Condition A-8.

Finding 31 - Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application provide the required fire apparatus access. Maintain access roads with an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Fire apparatus turnarounds are not required for this application.

Finding 32 - Fire Alarm System: An approved fire alarm system is required at the time of construction for buildings in excess of 5,000 sf, subject to this application. Fire alarm systems require separate reviews, permits and approvals issued by the Fire Marshal's office. See Condition E-1a.

Finding 33 - Fire Sprinkler System: An automatic fire sprinkler is required at the time of construction for the buildings containing the residences, unless fire separation construction methods are employed. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's office. See Condition E-1b. Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC. See Condition E-1c.

WATER & SEWER SERVICE:

Finding 34 – Utilities: The site will be served by Clark Public Utilities for public water and by the Clark Regional Wastewater District for public sewer. Utility reviews from the purveyors (Ex. 6, tabs 17 & 18) confirm that services are available to the site from the adjacent streets. The reviews include a discussion of the connection requirements. Approved connections to these utilities shall be verified prior to occupancy. See Condition F-4.

Finding 35 - Health Department: Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county, *e.g.*, at Final Construction Plan Review, Final Plat Review or Prior to Occupancy. The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing

wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). See Condition A-9.

IMPACT FEES:

Finding 36 - Impact Fees: The site is located in Park Improvement District 9, the Vancouver School District, and the Hazel Dell Subarea Traffic District. All new residential units constructed in this development (5 multi-family units) will impose new service demands on the local schools, parks and transportation system. Therefore, all new residential units in this development are subject to the following impact fees authorized by CCC chapter 40.610 to defray the cost of serving this new demand, payable at the time of building permit issuance:

- (1) Park impact fee (PIF) for the Park Improvement District No. 9, which has a total PIF of \$1,472 per lot (\$1,151 for acquisition and \$321 for development)
- (2) Traffic impact fee (TIF) for the Hazel Dell Subarea Traffic District, which has a TIF of \$2,541.61 per lot
- (3) School impact fee (SIF) for the Vancouver School District, which has a SIF of \$1,421 per lot.

The total residential impact fees for the five proposed units will be reduced by the following amounts as credit for the two single-family residences being removed from the site:

- \$1,112 SIF per house
- \$2,016.00 PIF per house
- \$3,668.66 TIF per house

With regard to the TIF associated with the non-residential uses, the Hazel Dell TIF sub-area imposes a TIF rate of \$451 per new trip, which results in the following TIFs for the non-residential portion of this development:

- Restaurant (ITE 932) – 130.34 trips per 1,000 sf
- Wine cellar (storage ITE 150) – 4.96 trips per 1,000 sf
- Commercial retail shops (ITE 820) – 42.92 trips per 1,000 sf

The total TIF is calculated as follows, where:

F = Fee rate
T = adjusted daily trips
A = 15% reduction adjustment for future tax revenues
BEF = Business Enhancement Factor
PB = Pass-by factor

$TIF = F \times T \times A \times BEF \times PB$
 $TIF = \$451 \times (130.34 \times 4.292) \times 0.85 \times 0.7 \times 0.55$
 $TIF = \$82,564.55$ (4,292 sf restaurant)

$TIF = \$451 \times (4.96 \times 1.5) \times 0.85 \times 1 \times 1$
 $TIF = \$2,852.13$ (1,500 sf wine cellar)

$TIF = \$451 \times (42.92 \times 6) \times 0.85 \times 0.7 \times 0.45$
 $TIF = \$31,096.89$ (6,000 sf commercial/retail)

All impact fees due shall be paid prior to the issuance of a building permit for each lot. If a building permit application is made more than 3 years following the date of this preliminary plat approval, the impact fee will be recalculated according to the then-current ordinance rate. See Condition E-2.

SEPA DETERMINATION

Based on the application materials and agency comments, staff determined that there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval listed below. Accordingly, the County, as the lead agency, determined that an environmental impact statement was not needed. The County issued and published its Determination of Nonsignificance for this project on April 8, 2009 (Ex. 9). One timely comment and no appeals were received by the comment and appeal deadline of April 22, 2009. That comment from Washington Department of Ecology (Ex. 11) does not require a separate response; therefore, the SEPA determination is final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the developer's proposal, the preliminary site plan and related plans (Exs. 5 & 6) as subsequently revised (Ex. 13). This approval is granted subject to the requirements that the developer, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
----------	---

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Site Plan** – The developer shall submit and obtain county approval of a final site plan in conformance to CCC 40.520.040 and the following conditions of approval:
- a. The site plan shall be amended to provide two additional parking spaces, in accordance with CCC 40.340.010. Alternatively, building area may be reduced to reduce the minimum number of parking spaces to that provided. See Finding 6.
 - b. The site plan shall be amended to provide a minimum 8-foot wide sidewalk along the site's NW 119th Street frontage. See Finding 7.
 - c. The site plan shall be amended to provide a 3-foot landscape strip between the walkways and the buildings along the west side of the restaurant and Building 3. Alternatively, the developer may propose alternative treatments to provide attractive pathways, including the use of planter boxes and/or vine plants on walls, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments that meet the intent of the standards, as determined by the responsible official. See Finding 7.
 - d. The site plan shall be amended to provide one additional bench and trash receptacle on NW 36th Avenue. See Finding 7.

- e. The final landscape plan shall provide detail adequate to verify compliance with the design standards in CCC 40.360.030 and the Mixed Use Design Standards. See Finding 13.
- f. Prior to final site plan approval, the developer shall submit a copy of a recorded shared access easement located over the south portion of the flag stem of parcel #187768-010. See Finding 15.

A-2 Final Landscape Plan - The developer shall submit and obtain county approval of a final landscape plan consistent with the approved preliminary landscape plan and the following additional requirements (See Finding 12):

- a. The landscape plan shall be amended to provide the required high shrubs along the north and west sides of the west parking lot, in accordance with the L4 standard in CCC 40.320.010(B)(4).
- b. The minimum planting size for the shrubs proposed in the L2 buffer (large leaf lupine & oceanspray) shall be 3 gallon containers, in compliance with CCC 40.320.010(G).
- c. The landscape plan shall be amended to provide a minimum of 3 landscape islands in the west parking area, in accordance with CCC 40.320.010(E).
- d. The final landscape plan shall include an irrigation plan in accordance with CCC 40.320.010(G)(7).
- e. The landscape plan per CCC 40.320.030 shall be prepared by a licensed landscape architect or Washington-certified professional horticulturalist.

A-3 Final Construction Plan - The developer shall submit and obtain County approval of a final construction plan with the following note:

Archaeology - "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-4 Final Transportation Plan/On-Site - The developer shall submit and obtain County approval of a final transportation design in conformance with CCC chapter 40.350 and the following additional requirements:

- a. The minimum half-width frontage improvements that are required for NW 36th Avenue include 40 feet of right-of-way, 23 feet of paved width, curb, and gutter. Right-of-way dedication documents shall be recorded prior to final site plan approval. See Finding 18.
- b. NW 119th Street requires half-width frontage improvements. The required minimum half-width improvements include 23 feet of right-of-way, 14 feet of paved width, curb, gutter, and 5-foot sidewalk. Per CCC 40.350.030 (B)(4)(d), a

local residential access road shall be at least 36 feet wide at the intersection with an arterial and shall be tapered as shown on the plans. The 18-foot road width shall be inside a 27-foot half-width right-of-way. If testing in the field indicates NW 119th Street from the intersection with NW 36th Avenue to the proposed driveway approach is not strong enough to support commercial vehicles, the roadway shall be improved where needed by thickening the asphalt base and/or base rock. Right-of-way dedication documents shall be recorded prior to final site plan approval. See Finding 18.

- c. The curb return radius shall be a minimum 35 feet at the intersection of NW 36th Avenue and NW 119th Street. The proposed driveway approaches shall be consistent with standard drawing number F17. See Finding 18.
- d. The developer shall verify that the proposed driveway approach provides sufficient turning movements by submitting diagrams of the turning movement associated with a single unit truck driving vehicle. The developer shall also provide diagrams of on-site turning movements. A detailed analysis of how the area to the north of the approach to NW 119th Street will function is required. See Finding 18.
- e. If the proposal is constructed in phases, each individual phase shall be designed with sufficient transportation improvements and comply with CCC chapter 40.350. See Finding 18.
- f. The proposal shall comply with the sight distance requirements, including but not limited to, the west of the proposed approach to NW 119th Street. See Finding 20.

A-5 Final Transportation Plan/Off Site (Concurrency): The developer shall prepare and submit a final transportation plan that includes the following elements:

- a. Signing and Striping Plan: The developer shall submit and obtain approval of a signing and striping design. This plan shall show signing, striping, the construction of a continuous raised median, all related features associated with the required frontage improvements, and any adjacent improvements, unless modified by the Public Works Director. The continuous raised median shall restrict turning movements to right-in/right-out for access onto NW 36th Avenue. The developer shall obtain a work order with Clark County to reimburse the County for the signing, striping, and other related work needed as a part of this development. See Finding 22.
- b. Intersection/Signal Plan: The developer shall submit, and obtain approval of construction drawings showing the design upgrades and/or modifications of the entire traffic signal system at the intersection of NW 36th Avenue/NW 119th Street. This traffic signal system design shall include masts, arms and signal heads constructed at ultimate grade and location, a traffic signal controller and vehicle detection, as necessary. The design of this system shall also show all related features including striping and civil improvements such as curbs, gutter, sidewalks, and ADA ramps. See Finding 22.

- c. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the developer shall obtain written approval from Clark County Department of Public Works of the developer's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- d. Sidewalk on south side of NW 119th Street: If the developer elects to construct a sidewalk on the south side of NW 119th Street, it shall construct all improvements to ADA dimensional requirements unless the developer obtains an exemption or other variance from the ADA standards.

A-6 Final Stormwater Plan - The developer shall submit and obtain County approval of a final stormwater plan designed in conformance with CCC chapter 40.380 and the following additional requirements (See Finding 26):

- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c).
- b. The proposed rain garden and pervious pavement shall be designed according to the design criteria identified in the Low Impact Development Technical Guidance Manual for Puget Sound. According to the criteria, a professional engineer that is proficient in geotechnical engineering shall be consulted to determine if additional infiltration correction factors shall be applied. The geotechnical engineering analysis shall be stamped by the professional engineer.
- c. The developer shall provide evidence of performed monitoring and associated published paper and report in lieu of monitoring required by CCC 40.380.040(B)(9).
- d. If the proposal is constructed in phases, each individual proposed phase shall be designed with sufficient stormwater facilities and comply with CCC chapter 40.380.
- e. The developer shall resolve all issues associated with the ownership and maintenance of the proposed stormwater facilities to County staff's satisfaction.

A-7 Erosion Control Plan - The developer shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC chapter 40.380.

A-8 Fire Marshal Requirements: The developer shall comply with the following conditions from the Fire Marshal's Office:

- a. Fire hydrants are required for this application, and the developer shall provide fire hydrants so that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is farther than 300 feet from a fire hydrant as measured along approved fire apparatus access roads. One additional hydrant is required to support the required fire flow.

- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief shall approve the exact locations of fire hydrants. See Finding 30.

A-9 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed, *e.g.*, prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy, and approved by the Health Department. See Finding 35.

A-10 Other Documents Required – The following Developer's Covenant shall be submitted with the Final Construction/Site Plan:

Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with CCC 32.04.060.

A-11 Excavation and Grading – Excavation and grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
----------	---

Prior to construction, the following conditions shall be met:

- B-1 Demolition** – Prior to demolition or removal of any existing structures the developer shall obtain a demolition permit from the Clark County Building Department. See Finding 16.
- B-2 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-3 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during

construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-4 Erosion Control - Erosion control facilities shall not be removed without County approval.

B-5 Fire Marshal Requirements – The developer shall install water mains supplying fire flow and fire hydrants, which shall be approved and operational prior to the commencement of combustible building construction. See Finding 29.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
----------	--

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 Stormwater - The installation of infiltration systems shall be observed and documented by an engineer licensed in the State of Washington proficient in geotechnical engineering. During construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. See Finding 26.

E	Building Permits Review & Approval Authority: Customer Service
----------	---

Prior to issuance of a building permit, the following conditions shall be met:

E-1 Fire Marshal Requirements:

- a. An approved fire alarm system is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. See Finding 32.
- b. An automatic fire sprinkler is required at the time of construction for the buildings containing the residences, unless fire separation construction methods are employed. Fire sprinkler systems require separate reviews, permits and approvals from the Fire Marshal's office. See Finding 33.
- c. Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC. See Finding 33.

E-2 Impact Fees – Prior to issuance of a building permit, the developer shall pay Traffic Impact fees to the Clark County Building Department in the following amounts:

Building 1:
\$82,564.55 (4,292 sf restaurant TIF)
2,852.13 (1,500 sf wine cellar TIF)
\$85,416.68 Total

Building 2:

\$15,548.45 (3,000 sf commercial/retail TIF)
1,730.00 (SIF for 2 apartments, less 1 SFR)
928.00 (PIF for 2 apartments, less 1 SFR)
1,414.56 (TIF for 2 apartments, less 1 SFR)
\$19,621.01 Total

Building 3:

\$15,548.44 (3,000 sf commercial/retail TIF)
3,151.00 (SIF for 3 apartments, less 1 SFR)
2,400.00 (PIF for 3 apartments, less 1 SFR)
3,956.17 (TIF for 3 apartments, less 1 SFR)
\$25,055.61 Total

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. See Finding 36.

F	Occupancy Permits Review & Approval Authority: Building
----------	--

Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Landscaping** – Prior to the issuance of an approval of occupancy, the developer shall submit a copy of the approved final landscape plan with a letter signed and stamped by a landscape architect licensed in the State of Washington certifying that the landscape and irrigation have been installed in accordance with the attached approved plans and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. See Finding 12.
- F-2 Transportation (Concurrency)** – The developer shall construct a continuous raised median along NW 36th Avenue. This raised median shall restrict access and turning movements to right-in/right-out unless modified by the Director of Public Works. See Finding 22.
- F-3 Transportation (Concurrency)** – The developer shall construct signal/intersection upgrades, modifications and related features, including all civil improvements, in accordance with the approved plans at the intersection of NW 36th Avenue/NW 119th Street. The improvements shall be completed prior to occupancy, unless modified by the Director of Public Works. See Finding 22.
- F-4 Water & Sewer** – The developer shall provide documentation from Clark Public Utilities and the Clark Regional Wastewater District that connections to public water and sewer have been installed and approved. See Finding 34.

G	Development Review Timelines & Advisory Information
----------	--

- G-1 Site Plans and Other Land Use Approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

G-2 DOE Stormwater Permit - A stormwater permit from the Department of Ecology (DOE) is required if both of the following conditions occur:

- a. The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; AND
- b. There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

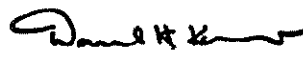
The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the 1-acre threshold. This applies even if the developer is responsible for only a small portion (less than one acre) of the larger project planned over time. The developer shall Contact the DOE for further information.

G-3 Building Elevation Approvals – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements, e.g., building setbacks, under other construction codes. Compliance with other construction codes is the responsibility of the developer at the time of building permit issuance.

H	Post Development Requirements
----------	--------------------------------------

H-1 Signs - Prior to installation of any commercial signage, the developer shall obtain approval of a sign permit, in accordance with CCC 40.520.050. The sign permit shall conform to Section F the Mixed Use Design Standards. See Finding 14.

Date of Decision: June 19, 2009.

By: 
Daniel Kearns,
Land Use Hearings Examiner

NOTE: Only the Decision and Conditions of approval, if any, are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Notice of Appeal Rights

An appeal of any aspect of the Hearings Examiner's decision, except the SEPA determination, may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing or submitted written testimony prior to or at the public hearing on this matter.

Any appeal of the final land use decisions shall be filed with the Board of County Commissioners, 1300 Franklin Street, Vancouver, Washington, 98668 within 14 calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the Land Use Hearings Examiner's final land use decision shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error;
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal must also explain why such evidence should be considered, based on the criteria in subsection 18.600.100(D)(2); and
5. A check in the amount of \$286 (made payable to the Clark County Board of County Commissioners) must accompany an appeal to the Board.

FELIDA VILLAGE

MIXED USE DEVELOPMENT REVIEW

CLARK COUNTY, WASHINGTON

SITE DATA

PROJECT DESCRIPTION
Mixed-Use Development

ASSESSOR'S MAP
Parcel No. 187768-000, 187768-015, and a portion of 187768-010

SITE SIZE
1.20 Acres

ZONING
MAX MIXED USE
SITE ADDRESS:
11811 NW 36TH AVE
VANCOUVER, WA 98085

TEAM MEMBERS:

APPLICANT:
Watson Properties II LLC
4612 NE Marquam St
Seattle, WA 98105
Phone: 360.695.5317 x311
Fax: 360.694.7818
Email: info@watsonproperties.com

OWNER:
Watson Properties II LLC
4612 NE Marquam St
Seattle, WA 98105
Phone: 360.695.5317 x311
Fax: 360.694.7818
Email: info@watsonproperties.com

PLANNER (Primary Contact):
McGraw-Hill Construction
187768-010
Richard A. Kroll
Vancouver, WA 98085
Email: ron@mcgrawconstruction.com

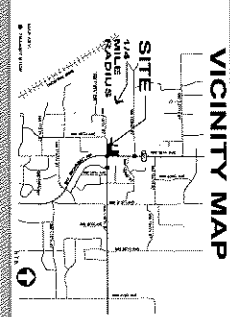
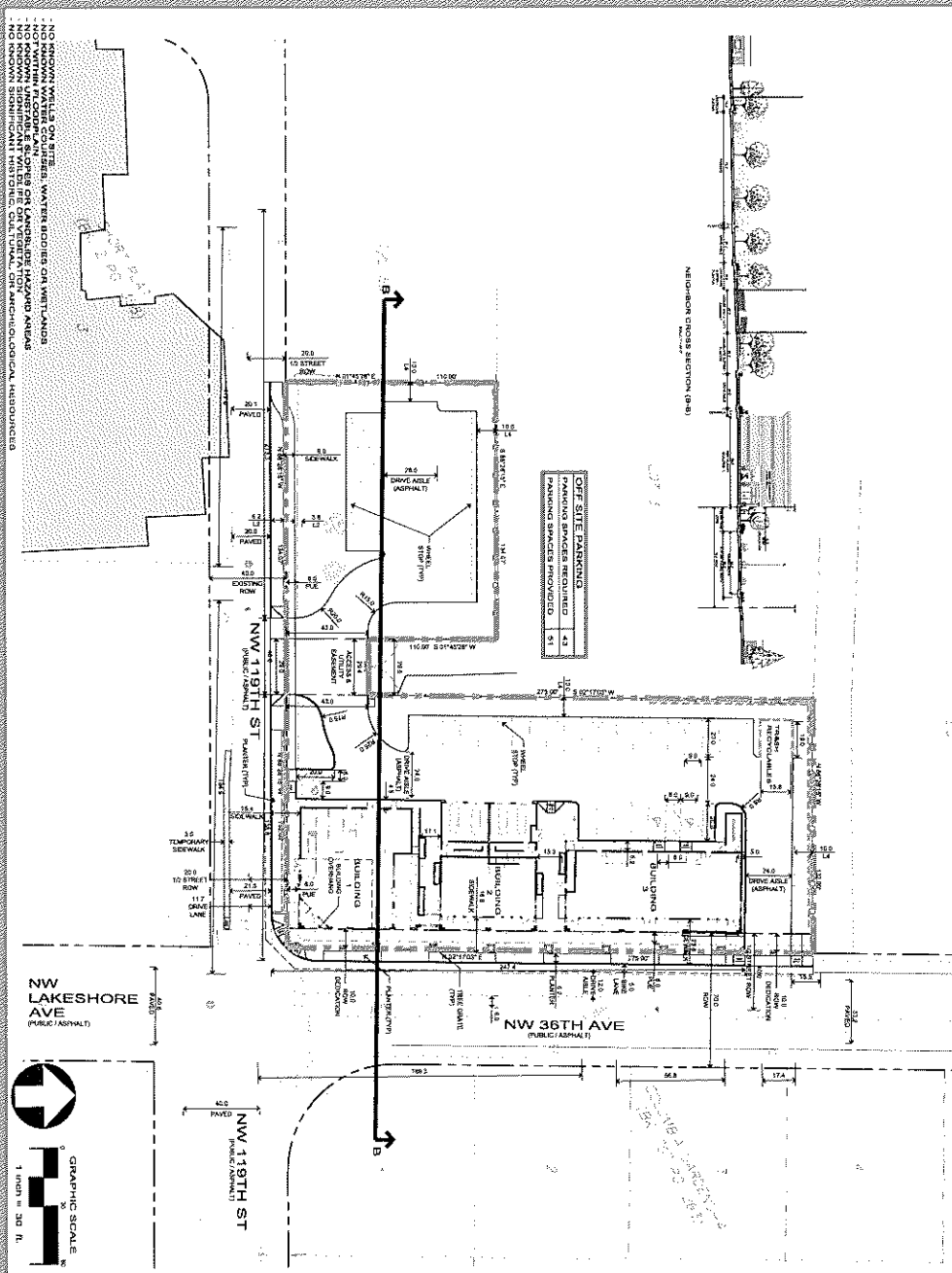
MOA Associates:
187768-015
Vancouver, WA 98085
Email: ron@mcgrawconstruction.com

DATE: 187768-015
12004 NW 36th Avenue
Vancouver, WA 98085
Email: ron@mcgrawconstruction.com

SHEET LIST:

- 01 PROPOSED DIMENSIONED SITE IMPROVEMENTS PLAN
- 02 EXISTING CONDITIONS PLAN
- 03 PROPOSED GRADING PLAN
- 04 PROPOSED UTILITY & STORMWATER PLAN
- 05 NEIGHBOR CROSS SECTIONS
- 06 PROPOSED SIGN PLAN
- 07 PROPOSED LIGHTING PLAN
- 08 SITE PLAN / KEY PLAN
- 09 EXISTING CONDITIONS PLAN
- 10 EXTERIOR ELEVATIONS
- 11 RENDERED ELEVATIONS

PROPOSED BUILDING AREAS	
BUILDING 1	HIGH QUALITY RESTAURANT
GROUND FLOOR	2,792 SF
SECOND FLOOR	1,560 SF
TOTAL	4,352 SF
BUILDING 2	WINE STORAGE
GROUND FLOOR	1,500 SF
SECOND FLOOR	1,500 SF
TOTAL	3,000 SF
BUILDING 3	RESIDENTIAL CONDOMINIUMS
GROUND FLOOR	1,080 SF
SECOND FLOOR	1,080 SF
TOTAL	2,160 SF
BUILDING 4	RESIDENTIAL CONDOMINIUMS
GROUND FLOOR	1,080 SF
SECOND FLOOR	1,080 SF
TOTAL	2,160 SF
BUILDING 5	RESIDENTIAL CONDOMINIUMS
GROUND FLOOR	1,080 SF
SECOND FLOOR	1,080 SF
TOTAL	2,160 SF





HEARING EXAMINER EXHIBITS

APPLICATION: FELIDA VILLAGE

CASE NUMBERS: PSR2009-00012; PUD2009-00001; SEP2009-00023; EVR2009-00010

Hearing Date: June 11, 2009

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5		Applicant, MGH Associates, Inc.	Proposed Dimensioned Site Improvements Development Plan; Existing Conditions Plan, Proposed Grading Plan, Proposed Utility & Stormwater Plan, Neighbor Cross Sections, Proposed Landscape Plan, Proposed Sign Plan, Proposed Lighting Plan
6		Applicant, MGH Associates, Inc.	Application Submittal Package (Cover Sheet and Table of Contents, Application Forms, Application fee, Pre-application Conference Report, GIS Packet, Narrative, Legal Lot Determination, Letters of Certification, Copy of Neighborhood Meeting Summary, Proposed Development Plan, Soil Analysis Report, Preliminary Stormwater Design Report, Proposed Stormwater Plan, Project Engineer Statement of Completeness and Feasibility, Traffic Study, SEPA, Sewer Utility Reviews Letter, Water Utility Reviews Letter, Design Road Modification Application, Design Features)
7	3/25/09	CC Development Services	Fully Complete Determination
8	4/8/09	CC Development Services	Affidavit of Mailing Public Notice
9	4/8/09	CC Development Services	Notice of Type III Development Review Application, Optional SEPA Determination of Non-Significance & Public Hearing
10	4/22/09	CC Development Services	Notice of Public Hearing for June 11, 2009
11	4/22/09	Dept of Ecology	Agency Comments
12	5/15/09	David Bottamini, PW	Road Modification Report & Recommendation

EXHIBIT NO.		SUBMITTED BY	DESCRIPTION
13	5/19/09	Applicant, MGH Associates, Inc.	Revised Narrative, Proposed Development Plans, Revised Road Modification Documents with Engineers Stamp, Additional Design Features, Garbage Truck Turning Movement Exhibit
14	5/26/09	CC Development Services	Affidavit of Posting Public Notice
15	5/26/09	Applicant, MGH Associates, Inc.	Affidavit of Posting Land Use Sign
16	5/27/09	CC Development Services	Type III Development I Environmental Review, Staff Report & Recommendation
17	5/31/09	Michele McFatridge, Horizon West NA	Comment Letter
18	6/10/09	Vancouver Public School	Comment Letter
19	6/11/09	Alan Boguslawski, Project Planner	Memo to Hearing Examiner
20	6/11/09	CC Development Services	Pictures of Power Point Presentation
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810